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EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/971,832

Applicant(s)

SIGURDSSON ET AL.

Examiner

Jude J Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/22/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

JG.

DETAILED ACTION

This office action is responsive to communication filed on 10/05/2001.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: -- A METHOD FOR COMPRESSING AND CONTROLLING DATA PACKETS FOR WIRELESS DEVICES IN A COMMUNICATION BUFFER --.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 10: Claim 10 recites the limitation " the connection" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 10: Claim 10 recites the limitation " the connection" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 11: Claim 11 recites the limitation " the connection" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 11: Claim 11 recites the limitation " the connection" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2143

Regarding claim 12: Claim 12 recites the limitation " the connection" in line 5.

There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 12: Claim 12 recites the limitation " the connection" in line 6.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1- 4, and 6-7 are rejected under 35 U.S.C. 102(e) as being unpatentable by Price (U.S. Patent No. 6,766,376 B2).

Regarding claim 1: Price teaches a communication method comprising the steps of:

(a) downloading identifying information about each of a series of files from a storage facility to a processor (*column 8, lines 61-67; column 9, lines 1-7, column 10, lines 65-67; fig. 1, items 16; note that buffer 16 is processes data elements of the media files from the server*);

(b) placing the files in a priority order according to the identifying information and established rules (*column 9, lines 5-7*);

(c) downloading a first file in the priority (*column 9, lines 26-31; it is important to note that the priority here is the FIFO*);

(d) processing the file (*column 9, lines 26-31*); and

(e) transmitting the processed file to a remote location while remaining ones of the files are being downloaded (*column 9, lines 26-31; column 10, lines 13-22*).

Regarding claim 2: Price teaches the method of claim 1 wherein the step of processing comprises the step of determining whether processing is complete (*column 9, lines 13-22*).

Regarding claim 3: Price teaches the method of claim 2 wherein the files are processed from a processing queue, and the queue is limited to a maximum size of N files (*column 9, lines 3-7*).

Regarding claim 4: Price teaches the method of claim 3 wherein the steps of transmitting, processing, and downloading are accomplished substantially simultaneously (*column 9, lines 25-32*).

Regarding claim 6: Price teaches the method of claim 1, further comprising the step of placing the files in a queue and wherein the queue is limited to a maximum size of N files (*column 9, lines 3-7*).

Regarding claim 7: Price teaches the method of claim 1, further comprising the step of determining whether a queue is empty prior to beginning the step of processing (*column 10, lines 18-22*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (U.S. Patent No. 6,766,376 B2) in view of Fry et al (U.S. 6,810,409 B1).

Regarding claim 5: Price discloses the invention substantially as claimed.

Price teaches the method of claim 1. However Price does not specifically disclose the method of claim 1 wherein the step of processing comprises, compressing the file.

In the same field of endeavor, Fry et al disclose "*a proxylet that compresses the text file contents and delivers the compressed stream to the webcache...*" [see Fry et al; column 11, lines 8-12].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fry et al's teachings of compressing a buffered file prior to processing with the teachings of Price, for the purpose of improving the ability network files "...to be listenable and viewable within the 56,000 bits per second modem bandwidth." as stated by Price in lines 35-50 of column 1.

Regarding claim 8: Price discloses the invention substantially as claimed.

Price teaches a communication method comprising the steps of:

Art Unit: 2143

receiving a new file from a source into a buffer (*column 9, lines 18-22*);

Price further teaches determining whether a total number of files in the buffer is equal to the set number(*column 9, lines 3-7, 26-32*). However Price falls short of teaching the conditional step that follows: "if the total number of files in the buffer is equal to the set number, compressing and transmitting the compressed file". On the other hand, Price teaches that "*most audio and video files available on the Internet has been compressed to be listenable or viewable within the 56,000 bits per second modem bandwidth [see Price; column 1, lines 35-40].*"

Furthermore, Price omitted setting a number of files acceptable from each one of a plurality of sources;

In the same field of endeavor, Fry et al disclose "*a proxylet that compresses the text file contents and delivers the compressed stream to the webcache...*" [see Fry et al; *column 11, lines 8-12*] and " a service or content providers operating DPSs may allow certain proxylets to be requested or loaded by a defined subset of servers or DPSs ..."

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Fry et al's teachings of compressing buffered files from a plurality of sources prior to processing with the teachings of Price, for the purpose of improving the ability network files"*...to be listenable and viewable within the 56,000 bits per second modem bandwidth*" and to allow "*continuous media broadcast, or stream, from radio stations*" as stated above in lines 22-23 of column 1.

Regarding claim 9: The combination Price-Fry teaches the communication method described in claim 8, further comprising the steps of:

if the total number of files in the buffer is not equal to the set number receiving an additional new file from the source [see *Price*; column 11, lines 33-36]; and

if the total number of files now in the buffer is equal to the set number, compressing a file; and transmitting the compressed file [see *Fry et al*; column 11, lines 8-12]. By this rationale **claim 9** is rejected.

8. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over in Williams et al (U.S. Patent No. 6,721,286) in view of Price (U.S. Patent No. 6,766,376 B2).

Regarding claim 10 and 11: Williams et al disclose the invention substantially as claimed. Williams et al teach a communication method comprising the steps of:

setting an encoding length for a communication at eight bits (*column 55, lines 5-15; note that the run-length encoded image is set to 8 bits per pixel*);

accepting a user input length for the encoding length (*column 15, lines 3-8*);

Williams further teach determining whether the connection is remote (*column 16, lines 49-54*); additionally, Williams et al disclose rejecting the user input length by "putting the system into a *LISTEN* state during which it passively listens for a request to open a session from a remote host (*column 16, lines 49-55*)". However, Williams et al do not teach whether the remote connection is wireless as well as the following two conditions: "if the connection is wireless, rejecting the user input length; and if the

Art Unit: 2143

communication is not wireless, setting the encoding length equal to the user input length”.

In the same field of endeavor, Price discloses a *“user computer that can be replaced by an Internet radio or Internet Appliance such as palmtops, PDAs, and wireless phones...”* [see Price; column 11, lines 1-5; column 10, lines 65-67].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Price’s teachings of using a wireless device in a wireless connect in with the teachings of Williams et al, for the purpose of improving the ability network files *“to allow packets that may have to cross wireless networks such as the Packet Radio Network and Atlantic Satellite Network where packets may be corrupted”* as stated by Williams et al in lines 24-29 of column 15.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Price (U.S. Patent No. 6,766,376 B2) in view of Fry et al (U.S. 6,810,409 B1), further in view of Williams et al (U.S. Patent No. 6,721,286).

Regarding claim 12: Williams et al disclose the invention substantially as claimed. Williams et al teach communication method as described in claim 8, further comprising the steps of:

setting an encoding length for a communication at eight bits (*column 55, lines 5-15; note that the run-length encoded image is set to 8 bits per pixel*);

accepting a user input length for the encoding length (*column 15, lines 3-8*);

Williams further teach determining whether the connection is remote (*column 16, lines 49-54*); additionally, Williams et al disclose rejecting the user input length by "putting the system into a LISTEN state during which it passively listens for a request to open a session from a remote host (*column 16, lines 49-55*)". However, Williams et al do not teach whether the remote connection is wireless as well as the following two conditions: "if the connection is wireless, rejecting the user input length; and if the communication is not wireless, setting the encoding length equal to the user input length".

In the same field of endeavor, Price discloses a "*user computer that can be replaced by an Internet radio or Internet Appliance such as palmtops, PDAs, and wireless phones...*" [see Price; *column 11, lines 1-5; column 10, lines 65-67*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Price's teachings of using a wireless device in a wireless connect in with the teachings of Williams et al, for the purpose of improving the ability network files "*to allow packets that may have to cross wireless networks such as the Packet Radio Network and Atlantic Satellite Network where packets may be corrupted*" as stated by Williams et al in lines 24-29 of column 15.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over in Price (U.S. Patent No. 6,766,376 B2) in view of Pierce Jr. et al (U.S. Patent No. 6,542,992).

Regarding claim 13: Price et al discloses the invention substantially as claimed.

Price teaches the method described in claim 1, wherein the step of downloading a first file comprises receiving the first file from a source and the step of downloading remaining ones of the files comprises receiving remaining ones of the files from the source (*column 8, lines 61-67; column 9, lines 1-7, column 10, lines 65-67; fig. 1, items 16*). However Price does not clearly disclose using an ISP as the data source.

In the same field of endeavor, *Pierce, Jr. et al* disclose a “a network access server owned by an entity, such as a telephone company, internet service provider, or other business providing network access for remote terminals [see *Pierce, Jr. et al*; column 6, lines 34-41].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated *Pierce Jr. et al*'s teachings an Internet service Provider with the teachings of Price, for the purpose of improving the ability network “to provide a system for distributing via the Internet streaming media composed of a plurality of time-sequenced data elements...” as stated by Price in lines 18-21 of column 4.

Conclusion

11. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-

Art Unit: 2143

3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG

December 02, 2004

William C. Vaughan, Jr.
Primary Examiner
Art Unit 2143

